

REMARKS

By this amendment, claims 1 and 21 have been amended. Claims 1-18 and 20-22 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1-18 and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gutta et al. (WO 02/071315, hereinafter "**Gutta**") in view of Liu (US 6,553,281, hereinafter "**Liu**") and Jeong (US 6,348,928, hereinafter "**Jeong**"). With respect to claim 1, Applicant respectfully traverses this rejection on the grounds that the **Gutta**, **Liu** and **Jeong** references are defective in establishing a prima facie case of obviousness.

Independent claim 1 has been further amended to more clearly define that which applicant regards as the invention. In particular, claim 1 as now presented recites, inter alia, the specific feature limitation of "a *proximity detector*, wherein *responsive to* the proximity detector *detecting an obstacle*, in addition to the subject, *present* near the arm assembly *within the configuration space of allowable device positions*, the proximity detector *interfaces with the processor to prevent movement* of the arm assembly *within the configuration space of allowable device positions while the obstacle is detected* by the proximity detector" (emphasis added). Support for the amendments to claim 1 (as well as for claim 21) can be found in the specification at least on page 3, lines 15-20; page 5, lines 13-16. As amended, the claimed embodiment overcomes the limitations of known systems, wherein the claimed embodiment obtains an ideal position for the device even in view of obstacles or other inherent limitations on the field of movement or view (see page 2, lines 17-25). The amendments are supported by the specification and drawings as originally filed, or can be reasonably inferred from the same, thus no new matter has been introduced.

With respect to claim 1, as previously presented, the Office Action alleged that “[w]ith respect to the newly amended limitation, the Summary of the Invention of Gutta et al already discloses the concept of such common proximity detector provided to detect an obstacle (e.g. a second person), in addition to the subject (e.g. the user), present near the arm assembly, wherein the proximity detector is interfaced with the processor to prevent movement of the arm assembly (e.g. obstructing the view of the second person) while the obstacle is detected.” (Office Action, pages 2-3) with reference to the “Summary of the Invention” section of the **Gutta** reference (presumably Gutta, page 2, lines 1-34; page 3, lines 1-16). Applicant respectfully disagrees. Such an allegation is mistaken.

A review of the “Summary of the Invention” section of the **Gutta** reference discloses a system for automatically adjusting the orientation of the screen of a display so that it is *facing a viewer and* for automatically adjusting to a *median or average viewing position* based on the positions of two or more persons that are *recognized as viewers* (See Gutta, page 2, lines 2-8). **Gutta** teaches the use of image recognition software (See Gutta, page 2, lines 23-25). In addition, the image recognition “software may detect any person in the image and adjust the display screen according to the person. If there are *more than one person*, an average or best viewing position of the display screen with respect to the collection of viewers may be determined and the display screen may be so oriented” (See Gutta, page 3, lines 5-8; and page 10, lines 29-33).

In the allegation of the Office Action as noted herein above, the second person is given as an example of the obstacle. The allegation of the Office Action then goes on to state “wherein the proximity detector is interfaced with the processor to prevent movement of the arm assembly (e.g. obstructing the view of the second person) while

the obstacle is detected” which is contrary to that which is disclosed in **Gutta**. That is, **Gutta** teaches that when more than one viewer is detected, the display screen is oriented (i.e., moved) with respect to the collection of viewers. Thus, **Gutta** does not teach or suggest “the concept of such common proximity detector provided to detect an obstacle (e.g. a second person), in addition to the subject (e.g. the user), present near the arm assembly, wherein the proximity detector is interfaced with the processor to prevent movement of the arm assembly (e.g. obstructing the view of the second person) while the obstacle is detected.”

Notwithstanding the above, claim 1 has been further amended, as presented herein, for additional clarification.

Applicant submits that neither **Gutta**, **Liu** nor **Jeong** discloses, nor suggests, either alone or in combination, at least the aforementioned specific feature limitation of independent claim 1. Furthermore, the **Gutta**, **Liu** and **Jeong** patents cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ...
(Emphasis added)

When evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, since neither **Gutta**, **Liu** nor **Jeong** teaches or suggests the aforementioned specific feature limitation as recited in claim 1, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met. Thus, a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 1 under 35 U.S.C. §103 are respectfully requested. Claims 2-18 and 20 depend from and further limit independent claim 1 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof is now believed overcome.

Claim 21 has been amended in a manner similar to the amendments to claim 1. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 1, claim 21 is believed allowable and an early formal notice thereof is requested. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of statements characterizing the claims and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

It is clear from all of the foregoing that independent claims 1 and 21 are in condition for allowance. Claims 2-18 and 20 depend from and further limit independent claim 1 and therefore are allowable as well. Claim 22 depends from and further limits independent claim 21 and therefore is allowable as well.

The matters identified in the Office Action of March 17, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Issuance of an early formal notice of allowance of claims 1-18 and 20-22 is respectfully requested.

Respectfully submitted,

By: /Michael J. Balconi-Lamica/

Michael J. Balconi-Lamica
Registration No. 34,291
for Charles E. Kosinski, Reg. No. 39,254

Dated: June 3, 2011

Mail all correspondence to:

Charles E. Kosinski, Esq.
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, New York 10510-8001, USA
Telephone: (724) 387-3746
email: charles.kosinski@philips.com
Facsimile: 914-332-0615

a-32658.504